



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 13, 2001

Karl H Lobes
14306 W Acord
Benton City WA 99320-8697

Re: Emergency Drought Permit G4-34507

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

The applicant submitted an Emergency Drought application which is the subject of this report and assigned second application No. G4-34507. The applicant has an initial water right from the Rosa Irrigation District (RID) to irrigate 100 acres of orchard.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization is for an existing well located approximately 100 feet south and 1750 feet west from the E $\frac{1}{4}$ corner of Section 35, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T. 10 N., R. 26 E.W.M.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The quantity of water to be withdrawn is limited to 600 gallons per minute (gpm) and 200 acre-feet per year to irrigate 100 acres of orchard. This is based upon the instantaneous quantity requested and an annual quantity of 2.0 acre-feet per acre for orchard.

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Water is to be used for supplemental irrigation of 100 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

That portion of Section 35, T. 10 N., R. 26 E.W.M., Benton County, Washington, described as follows:

Beginning at the S¼ corner of said Section 35; thence N 87°18'07" E along S line of said Section a distance of 206.43 feet; thence N 02°51'13" W 32.63 feet to the SW corner of Short Plat No. 1916 and the True Point of Beginning; thence N 02°51'13" W along the westerly boundary of said Short Plat a distance of 524.10 feet; thence N 19°04'09" E along said W line 833.18 feet; thence N 86°00'48" E along the N line of said Short Plat 643.20 feet; thence S 84°01'51" E along said N line 145.35 feet to a point on the easterly line of the W½E½ of said Section; thence N 03°33'56" W along said E line 3,956.54 feet to the N line of Section 35, said point lying S 86°43'03" W 1,314.19 feet from the NE corner of Section 35; thence S 86°43'03" W along said N line 505.11 feet; thence S 00°48'47" W 2,129.73 feet; thence S 10°52'49" W 849.70 feet; thence S 13°34'08" W 244.95 feet; thence S 14°12'26" W 602.26 feet; thence N 72°41'30" W 831.74 feet; thence S 79°03'38" W 77.37 feet to the E margin of Davis Road; thence S 10°56'22" E along said E margin 671.10 feet to a point of curve; thence southeasterly along a curve to the right having a central angle of 12°40'53", a radius of 1,462.39 feet, an arc distance of 323.67 feet; thence S 01°44'31" W along said E margin 678.35 feet to a point of curve; thence southeasterly along a curve to the left having a central angle of 94°26'39", a radius of 84.59 feet, an arc distance of 139.43 feet; thence N 87°17'52" E 557.00 feet; thence N 86°34'16" E 206.57 feet to the True Point of Beginning.

Parcel 2: That portion of Section 35, T. 10 N., R. 26 E.W.M., Benton County, Washington, described as follows: Beginning at the NE corner of said Section 35; thence S 86°43'03" W along the N line of said section a distance of 1819.30 feet to the True Point of Beginning; thence S 00°48'47" W 2129.73 feet; thence S 10°52'49" W 849.70 feet; thence S 13°34'08" W 244.95 feet; thence S 14°12'26" W 602.26 feet; thence N 72°41'30" W 831.74 feet; thence N 00°21'24" W 339.26 feet; thence N 35°55'20" E 164.72 feet; thence N 29°20'50" E 246.61 feet; thence N 11°46'48" E 249.45 feet; thence N 10°30'42" E 354.76 feet; thence N 03°45'19" E 757.09 feet; thence N 37°48'11" E 238.19 feet; thence N 03°47'41" W 728.14 feet; thence N 01°00'06" W 546.35 feet to the N line of Section 35; thence N 86°43'03" E along said N line a distance of 722.27 feet to the True Point of Beginning. Subject to reservations, restrictions, rights of way and easements of record.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

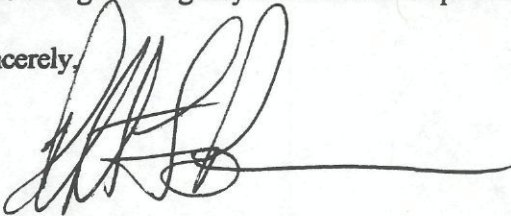
Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

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Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001.

Sincerely,

A handwritten signature in black ink, appearing to be 'RFB', with a long horizontal line extending to the right.

Robert F Barwin, Section Manager

RFB:gg
010715

Enclosures: Flow Meter Requirements
cc: Yakama Nation